



January 17, 2007

**Subject: The Land Development Ordinance Committee**

The Land Development Ordinance Committee (LDOC) met Wednesday, January 17, 2007, at 4 p.m., in the second floor Seminar Room located at The Plaza, 100 W. Innes Street, to discuss rewriting Salisbury's ordinance code. In attendance were Bill Burgin (Co-chair), George Busby, John Casey, Mark Lewis (Co-chair), Brian Miller, Rodney Queen, Bill Wagoner, and Victor Wallace.

**Absent**—Jake Alexander, Karen Alexander, Phil Conrad, Steve Fisher, and Jeff Smith

**Staff Present**—Janet Gapen, Patrick Kennerly, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, Joe Morris, David Phillips, Lynn Raker, and Patrick Ritchie

**The meeting was called to order** with Bill Burgin (Co-chair) presiding. The minutes of the December 13, 2006, and January 10, 2007, meetings were approved.

**CHAPTER SUMMARIES**

Victor Wallace and Bill Burgin requested copies of the chapters that were distributed at the last meeting. Gail Elder White did not have all the information requested regarding *fee in lieu of*; she hopes to have received the information by the next meeting.

The committee has reached a consensus that the new methodology (density) is better for determining open space. The threshold of units determining open space will be revisited at the next meeting.

Lynn Raker reopened the discussion on Chapter 8 that begun on January 10. Section 8.3.D *Grading in Required Landscape Area*--the committee recommended postponing further discussion to see how it is covered in other sections. George Busby believes it does not need to be repeated here. The current code covers preservation but no punitive measures.

#### 6.4 Pre-Development Site Grading states:

Predevelopment site grading may commence only with a permit issued in accordance with the provisions of Section 15.5 Predevelopment Site Grading, for the purpose of this ordinance, is any land disturbing activity of one acre or more that is not regulated by a previously approved sit plan.

The grading may be considered a “low impact” or “high impact” activity based on the table below. If one or more of the high impact activities exist, it is considered high impact. (Table on Page 6.2 of new ordinance draft)

Mark Lewis recommended that no significant changes be made in the new ordinance and this subject should be covered separately with a recommendation coming through the Tree Board after the code is adopted.

Many points were discussed concerning tree preservation. Lynn pointed out that flexibility (page 8-8) is being added to the new code. A critical piece of preservation is not something easily replaceable. A dramatic change in the city’s tree canopy has an affect on stormwater runoff, erosion control and air quality. The City of Salisbury has lost 25 percent of the tree canopy in the last twenty years.

When the tree ordinance was written, the best that could be done was an incentive-based ordinance. Brian Miller likes the incentive-based approach and would like to see this discussion held separately. Staff would like to try a new approach with what they now know-believing that the time is right now. The cost of mitigating stormwater is going up and Salisbury cannot stand to lose another 25 percent of its tree canopy. Rodney believes there will be a balance; staff believes a stand of trees could not be replaced in our lifetime.

Bill Wagoner would also like to have this discussion as a separate issue. Balancing a site is a huge issue. Deep cuts into roots cause trees to die anyway. Replanting to a standard is in the community’s interest. How serious are we? Do we want to discuss pervious sidewalk materials? This is very comprehensive.

***Vision 2020 Comprehensive Plan Policy CC-5: Significant natural and existing man-made elements should be incorporated into the thematic design of new developments.***

Normally, this can be accomplished by one of two methods: *physical design* and *name recognition*. Physical design can mean saving a significant tree, small pond, brook, rock outcropping, etc. and incorporating these items into the design of the development.

***Vision 2020 Comprehensive Plan Policy CC-6: Large trees, ponds, creeks, or other natural features of the landscape should be saved when locating new streets, buildings, parking lots, etc.***

This recommendation simply means to work with the land and its natural assets rather than fighting them. Economic as well as environmental savings can be gained, for example, by curving an occasional street to save a large tree or pond. Most developers in the Salisbury area have become savvy enough to realize that the preservation of a

significant tree or other natural feature may become one of the most important items in showing off the entryway or focal point of a new development. At other times, however, trees are cleared simply because they are an inconvenience to a particular chain store's development formula or style. These are the situations where deliberate and conscientious public policy must step in to prevent wholesale destruction of a site's natural features.

The committee agreed this could not be resolved at this meeting. Staff will work on the language regarding "required flexibility." (Page 8-8) Staff will review the intent of the planting yard at their Monday meeting. George Busby requested a list of recommended trees be added as an appendix.

It was recognized that SRU reluctantly places utilities under the street and sidewalks because "there is only so much room in the right-of-way." Rodney Queen believes strongly that the sewer line should be under the street. Victor Wallace pointed out that it can be problematic turning streets over to the city because the City requires the street trees be installed prior to the transfer, and the developer is waiting on installation of other utilities.

Page 8-11, Section 8.7.A.3. remove MHD; also remove GEIO in #1. Page 8-7 Section 8.5 Applicability--reference should be to Section 15.5.

**The next meeting will be in the same location Wednesday, January 24, at 4 p.m.**

The meeting was adjourned at 6:00 p.m.

DM